

In the Drawings

Kindly delete the Figure and replace it with the attached substitute Figure. The substitute Figure extends the arrow leading from the Optimization Module 5 and pointing to the Modeling Module 3 so that the arrow reaches the Modeling Module.

Remarks

The Applicants note with appreciation the Examiner's detailed review of the application. The Examiner's helpful suggestions with regard to several matters of form are also appreciated.

Claims 1-40 are pending in the application. Claims 39 and 40 are new. Support for the new claims can be found in original Claims 1 and 38. The new claims recite subject matter relating to the term "two preferably disjoint subsets" which has been deleted from Claim 1, and specifically cover the preferred embodiments in which the first and second subsets are disjoint. Original Claim 36 covers embodiments in which the first and second subsets are not disjoint.

Drawing Objections

A replacement drawing sheet accompanies this Amendment in compliance with the request set forth in the Official Action. Thus, it is requested that the objection to the drawing be reconsidered and withdrawn.

Claim Objections

Claims 1-38 have been objected to based on perceived informalities in Claims 1, 12 and 38. The Examiner's helpful suggestions set forth in paragraph 4 of the Official Action have been adopted. Additional matters of grammar and form have also been corrected. Therefore, it is respectfully requested that the claim objections be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. § 112

Claims 1-38 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claims 1, 6, 8-12, 14, 16, 19, 22, 25 and 35-38 have been amended. It is believed that the amendments make the claimed subject matter more clear and bring them into conformity with standard U.S. practice. In addition, several matters relating to antecedent basis, including those pointed out in paragraph 7 of the Official Action, have been corrected. Therefore, it is respectfully requested that the rejection under 35 U.S.C. §112 be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. § 101

Claims 1-38 have been rejected as allegedly being directed to non-statutory subject matter. Specifically, the Official Action indicates that the claims are directed to a mathematical algorithm without any limitation to a practical application.


Claims 1 and 38 have been amended so as to recite a process and device, respectively, for modeling numerical data for forecasting a phenomenon from a data set relating to the phenomenon. As described in paragraphs [0023] through [0028], this invention has numerous practical applications relating to forecasting the evolution of a phenomenon from a numerical data set relating to that phenomenon. Examples of phenomenon that can be analyzed and forecast using the numerical modeling of this invention include: risk analysis for insurance companies; characterization of physical phenomenon, such as the determination of factors or combinations of factors responsible for defective products; characterization of work-flow, product-flow, meteorological impact on, for example, electricity consumption or promotional commercial events, and other phenomenon for which data can be collected over time; modeling that represents profiles of clients, descriptions of operations, or the associated risk factors in the banking sector; and other areas of practical application. The above-noted paragraphs include a more detailed description of the phenomenon that can be forecast using the modeling methods of the invention.

Claims 1 and 38 have been amended to make more clear that the invention relates to the modeling and forecasting of such real world phenomena. Therefore, it is respectfully submitted that the claimed subject matter includes real world applications within the broad statutory subject matter defined by 35 U.S.C. §101. Thus, it is respectfully requested that the rejection under Section 101 be reconsidered and withdrawn.

Conclusion

It is believed that the application is now in condition for allowance, which action is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury
Reg. No. 31,750

TDC:SAN:vbm
(215) 656-3381